

ILLINOIS POLLUTION CONTROL BOARD  
January 9, 1992

IN THE MATTER OF: )  
 )  
AMENDMENTS TO 35 ILL. ADM. ) R91-35  
CODE SUBTITLE B: AIR ) (Rulemaking)  
POLLUTION PM-10 AMBIENT LIMITS )  
AND EPISODE REGULATIONS; )  
35 ILL. ADM. CODE 212, 243 )  
and 244 )  
 )

ORDER OF THE BOARD (by B. Forcade):

On November 19, 1991, the Illinois Environmental Protection Agency ("Agency") filed this proposal for rulemaking. The proposal is intended to regulate particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers, which is known as PM-10. The proposal represents one part of Illinois' submittal of a complete state implementation plan (SIP) for the control of PM-10 emissions. Pursuant to Section 189 of the Clean Air Act, as amended in 1990, Illinois is to adopt and submit its plan by November 15, 1991. This proposal is directed at state wide implementation of PM-10 regulations. The Board is currently considering a proposal to control PM-10 in the McCook and Lake Calumet areas in Cook County and the Granite City area in Madison County (R91-22). Also, the Board has completed a regulation to control PM-10 in the Oglesby area in LaSalle County, in docket R91-6. The Board accepted the proposal for hearing on November 27, 1991. On that same date, the Board also accepted the Agency's certification that this rulemaking is federally required pursuant to Section 28.2 of the Environmental Protection Act ("Act") (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1028.2), as amended by P.A. 86-1409.

Section 27 of the Act requires that the Board make a determination as to whether an economic impact study should be conducted within 60 days of the date the Board accepts a proposal for hearing.

Section 27(a) of the Act directs the Board to consider various factors and also allows the Board to reconsider the need for an economic impact study at a later point in the proceeding.

. . . The Board shall reach its decision based on its assessment of the potential economic impact of the rule, the potential for consideration of the economic impact absent such a study, the extent, if any, to which the Board is free under the statute authorizing the rule to modify the substance

of the rule based upon the conclusions of such a study, and any other considerations the Board deems appropriate. . . .

However, at any time prior to the close of the record during the rulemaking proceeding, the Board may determine that an economic impact study should be prepared, if the proposal has been substantially modified or if information in the record indicates that an economic impact study would be advisable. If the Board determines that an economic impact study should be conducted, the Department shall prepare an economic impact study in accordance with "An Act in relation to natural resource, research, data collection and environmental studies", approved July 14, 1978, as amended. Section 27(a) of the Act.

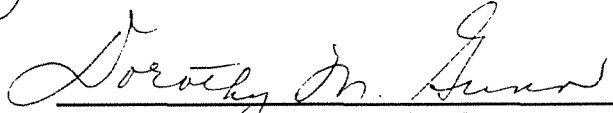
The Agency stated in its proposal that the rules are the result of a negotiated rulemaking endeavor between industry, the United States Environmental Protection Agency, and the Agency. Further, the Agency stated that "the willingness of the affected facilities to agree to the regulatory language contained herein demonstrates that the revisions are both technically feasible and economically reasonable." (Ag.Reg. p. 2). Therefore, the Agency requests that no economic impact study be prepared.

The Department of Energy and Natural Resources ("DENR") filed comments on December 9, 1991, as to whether an economic impact study would be advisable in this rulemaking. DENR "believes that a formal economic impact study is not required". (P.C. 2 p. 2). No other comments regarding the need for an economic impact study have been received at this time.

The Agency and DENR have agreed that an economic impact study need not be prepared at this time. In addition, the Board has not received any comments requesting an economic impact study be prepared. The Board believes that sufficient economic and technical information will be provided in this proceeding without the need for a formal economic impact study. Therefore, the Board determines that an economic impact study need not be prepared at this time.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above Order was adopted on the 9<sup>th</sup> day of January, 1992, by a vote of 6-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board